

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIYAH NORTON,

Plaintiff,

v.

Case No.: 16-10279

Honorable Gershwin A. Drain

ESURANCE INSURANCE  
COMPANY,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR ORDER TO SHOW  
CAUSE AND REQUIRING GARRICK PHILILPS AND JOHN CRIMES TO  
SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT OF  
COURT [#36] AND SETTING HEARING**

Plaintiff filed the instant breach of insurance contract action on January 5, 2016. Defendant timely removed the action to this Court. Presently before the Court is Defendant's Motion for Order to Show Cause Why Garrick Phillips and John Crimes Should Not Be Held in Contempt of Court for Failure to Comply with Subpoenas for Deposition, filed on February 14, 2017. For the reasons that follow, the Court will grant Defendant's present motion.

Plaintiff was allegedly injured in a motor vehicle accident while traveling in

a car owned and operated by LaTisha Crimes. Plaintiff maintains that she suffered numerous injuries and seeks insurance benefits for household chore services, home care services, transportation costs, and outstanding medical care costs. Plaintiff claims Garrick Phillips and John Crimes have been providing attendant care and replacement services and has submitted household service reports to Defendant.

After attempting on two occasions to conduct the deposition of Mr. Phillips, the parties stipulated to an order compelling Mr. Phillips to attend his deposition on August 5, 2016. Defendant also noticed the deposition of Mr. Crimes for August 5, 2016. However, neither Mr. Phillips nor Mr. Crimes appeared for their August 5, 2016 deposition. Thereafter, Defendant attempted to reschedule their depositions, but received no response from Plaintiff's counsel. Mr. Crimes and Mr. Phillips failed to attend a November 15, 2016 noticed deposition, nor did they appear for a December 5, 2016 noticed deposition. Defendant complains that it will be unduly prejudiced if it cannot depose Mr. Phillips and Mr. Crimes.

A subpoena issued by this Court is an order of the Court. *See* Fed. R. Civ. P. 45(a)(3). This Court "may hold in contempt a deponent, who, having been served, fails without adequate excuse to obey the subpoena." Fed. R. Civ. P. 45(e). Based on the foregoing considerations, IT IS HEREBY ORDERED that Garrick Phillips

and John Crimes, SHOW CAUSE IN WRITING, no later than March 9, 2017, why they should not be held in contempt of court for their failure to appear for their scheduled depositions.

IT IS FURTHER ORDERED that a hearing on this matter will be held on Monday, March 20, 2017 at 3:30 p.m. Mr. Phillips and Mr. Crimes are required to attend the March 20, 2017 hearing. Mr. Phillips and Mr. Crimes will be held in contempt of Court should they fail to respond in writing to the instant Order, as well as if they fail to attend the March 20, 2017 hearing.

IT IS FURTHER ORDERED that Defendant's counsel serve Mr. Phillips and Mr. Crimes with a copy of the instant Order no later than February 27, 2017. Proof of service shall be filed forthwith.

SO ORDERED.

Dated: February 23, 2017

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
February 23, 2017, by electronic and/or ordinary mail.

/s/ Tanya Bankston

Deputy Clerk